



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 14 2017

REPLY TO THE ATTENTION OF:

The Honorable Karen W. Weaver, Mayor
City of Flint
1101 South Saginaw Street
Flint, Michigan 48502

W-15J

Mr. Keith Creagh, Director
Michigan Department of Natural Resources
Constitution Hall
525 West Allegan Street
P.O. Box 30028
Lansing, Michigan 48909

Re: EPA's Requested Action Items Resulting from August 23, 2017 Meeting between EPA, City of Flint, and State of Michigan Regarding Compliance with EPA's Emergency Order

Dear Mayor Weaver and Director Creagh:

This letter follows up on EPA's August 23, 2017 Meeting with Respondents City of Flint (City), Michigan Department of Environmental Quality (MDEQ), and the State of Michigan (State) regarding their efforts to comply with EPA's January 21, 2016 Emergency Order and the November 17, 2016 First Amendment (Order). Specifically, I am requesting actions related to three areas:

1. Staffing issues at the Flint Public Water System (PWS) [Paragraph 61 of EPA's Order];
2. Completion of the corrosion control study on the City's current water source, i.e., Great Lakes Water Authority (GLWA) [Paragraph 59 of EPA's Order]; and
3. Documentation that Respondents have entered into a formal agreement(s) to ensure that the City has continued access to GLWA water after September 30, 2017 [Paragraph 60.b.iv of EPA's Order].

1. Staffing Issues at the Flint PWS

EPA's August 10, 2017 letter outlined EPA's perspective on Respondents' compliance with paragraph 61 of EPA's Order, i.e., that the City must demonstrate, and the MDEQ and State must ensure, *the City has the necessary, capable and qualified personnel* required to operate the Flint PWS. EPA thanks the City for its August 18, 2017 written response on behalf of Respondents. The contents of the August 18th response were discussed in detail during the August 23rd meeting:

- In the August 18th written response, the City stated that it cannot attract and retain qualified personnel because it does not offer competitive compensation packages. During the meeting,

Sylvester Jones, the City Administrator, and representatives from the City's Human Resources Department provided an update to EPA on the City's efforts to fill critical vacancies and to address challenges with maintaining the proper staffing level at the PWS. The City informed EPA that it is conducting a compensation review process and also emphasized that compensation and pay adjustments are a City priority in order to ensure that qualified plant staff can be hired and retained.

- EPA had a number of questions regarding the staffing chart the City included in its August 18th response which set forth the City's timing and approach for filling the PWS's vacant positions:
 - 1) When will the City hire the search firm for the Director – Public Works position?
 - 2) What is the timing for getting the contract in place for the short-term approach for meeting laboratory staffing needs?
 - 3) What is the projected hiring date for the positions targeted for promotion, Operator-In-Charge and Distribution Supervisor, and when will those positions be advertised?

EPA looks forward to the City's responses to these questions.

- The last page of the August 18th letter included a proposed organization chart that, as of September 1, 2017, would include a new Water Superintendent position. EPA raised several questions about the proposed staffing chart, including:
 - 1) What are the roles and responsibilities for the new position?
 - 2) Please also explain the roles and responsibilities for the four other superintendent positions, which are all vacant and report to the new Water Superintendent position.
 - 3) Where is the Water Services Center located within this proposed organizational structure?
 - 4) What is the timing for filling both the Operator Superintendent and Maintenance Superintendent positions? These positions were not listed in the vacancy chart on page 2 of the August 18, 2017 letter.

During the August 23rd meeting, Sylvester Jones requested the opportunity to get back to EPA with responses to the above questions. We look forward to the City's response.

2. Corrosion Control Study for the City's Current Water Source

Paragraph 59 of EPA's January 21, 2016 Order requires the Respondents to optimize corrosion control for the PWS as operated in general, but also with its current source water (i.e., GLWA). The City has been using this source water since October 2015. The City's May 19, 2017 revised Drinking Water Source Selection Public Participation Plan and CCS indicated that Phase 1 of the CCS would be an evaluation of GLWA-only water. Please provide EPA with the final study plan that includes a status update and schedule for completion of the CCS for the current GLWA source water.

EPA is also interested in the City's progress in developing associated standard operating procedures (SOPs) and plans. During the August 23rd meeting, the City informed EPA that it has developed and implemented an SOP to prevent a lapse in the chlorine feed, which occurred at the water treatment plant in July. While EPA recognizes this action, EPA continues to request from Respondents written updates on all efforts underway to meet the requirements of paragraph 59, including: (1) Lead and Copper Rule compliance plan (59.a); (2) Plan for daily monitoring of water quality parameters in the distribution system (59.b); and (3) Plans for corrosion control equipment and daily monitoring of finished water corrosion control parameters (59.c).

3. Documentation of Continued Access to GLWA Source Water after September 30, 2017

Finally, I am following up on the City's December 16, 2016 letter to EPA requesting an extension of time in which to meet the EPA Order requirement in paragraph 60.b.iv: "Respondents shall provide documentation to EPA, and make publicly available under Paragraph 51, within thirty days of the effective date of the First Amendment, that Respondents have made arrangements to have continued access to its current GLWA source water until its transition to a new source water is complete." During our July 19th meeting, EPA learned that the Flint City Council and the Receivership Transition Authority Board approved a short-term contract with GLWA through September 30, 2017. We were encouraged to hear of a formal agreement for continued access to GLWA water through the end of September, but we are very interested in understanding the status of any formal agreements that will ensure the availability of GLWA water on and after October 1st.

EPA's understanding is that the Genesee County Drain Commissioner (GCDC) plans to use the existing 72-inch transmission line which connects the City to GLWA water to complete its own distribution system when GCDC's new water treatment plant comes on-line in October, 2017. We understand that GCDC is currently constructing an additional 42-inch transmission line that would meet its future needs, and the completion of this transmission line would also allow the City continued access to the existing 72-inch transmission line. However, EPA requests documentation from the Respondents that clearly demonstrates that the City will have continued access to GLWA water through GCDC's 72-inch transmission line until any future planned switches in source water. It is critical that GCDC provides written assurance that the City will not lose access to the transmission line and the continued ability to deliver GLWA water to its residents. EPA reiterated the need for this documentation during the August 23rd meeting and was advised that the required documentation is being held up in the current litigation and mediation efforts among the State, City, GCDC, GLWA, and Karegnondi Water Authority. In addition, it is critical that the City keep EPA apprised of the timing for the final water source selection.

EPA requests that Respondents provide a written response to all requests and questions in this letter no later than Friday, **September 22, 2017**. We will also be happy to discuss these issues during our next EPA Order compliance meeting, which is currently scheduled for Wednesday, September 20, 2017.

I appreciate your prompt attention to this matter. Please do not hesitate to contact me at (312) 353-8320 or korleski.christopher@epa.gov with any questions or concerns that you may have regarding the content of this letter and the requirements of EPA's Order.

Sincerely,



Christopher Korleski
Director, Water Division

cc: Mr. Robert Kaplan, Acting Regional Administrator, EPA Region 5
Mr. Sylvester Jones, City Administrator, City of Flint
Mr. Richard Baird, Michigan Governor's Office
Ms. C. Heidi Grether, Director, MDEQ
Ms. Amy Epkey, Environment Deputy Director, MDEQ
Mr. Eric Oswald, Director, Drinking Water and Municipal Assistance Division, MDEQ